IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.7078 OF 2006

Krishnaji Nagesh Kulkarni .. Petitioner

Versus

Smt.Sonabai Baburao Chavan & Ors.. Respondents

Mr.S.M.Kamble for petitioner

Mr.P.D.Dalvi for respondent No.1

Mr.Amit Borkar for respondent Nos. 2 and 3.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 21st November 2007.

P.C.

. This is a petition by the Auction purchaser challenging the order of the Divisional

Joint Registrar, setting aside the auction sale.

2. The auction purchaser is aggrieved by the fact that the sale has been set aside after he has stepped in in pursuance of the auction notice and fulfilling all terms and conditions therein.

3. It is not possible to accept the contention of petitioner - auction purchaser in this case because, the auction/sale is set aside by the authority on the ground that the procedure prescribed for conducting an auction has not been followed. One of the purpose of fixation of off-set price as per the valuation report is to get valuation of the property on the date on which the notice is proposed to be issued in pursuance of a decision to sell the property. The Divisional Joint Registrar has observed that in the present case, off-set price was fixed on the basis of a valuation report which does not give the exact and correct valuation. The sale

has been set aside because of the difference in valuation as observed by the Divisional Joint Registrar. That is not something which can be termed as marginal. In such circumstances, there is no reason for interfering with the order passed by the Divisional Joint Registrar at the instance of auction purchaser. Further, the borrower has also filed affidavit asserting that the entire debt has been repaid with interest and penal charges as well.

4. This is not a fit case for interference under Article 227 of the Constitution of India. Petition is dismissed. No costs.

(S.C.DHARMADHIKARI, J)